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| 09/748,206  | 12/27/2000  | Akira Ohmura         | 108231                  | 5375                   |
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| OLIFF & BERRIDGE, PLC<br>P.O. BOX 320850<br>ALEXANDRIA, VA 22320-4850 |             |                      | EXAMINER<br>RAMAN, USHA |                        |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/748,206

Applicant(s)

OHMURA, AKIRA

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-39, 44-47 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-39, 44-47 and 53-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.


## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7-7-07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### ***Response to Arguments***

1. Applicant's arguments filed August 7<sup>th</sup>, 2007 have been fully considered but they are not persuasive.

Applicant argues that, "Okada does not disclose or suggest a plurality of manual operation members, in which one of those manual operation members is used to start playback of the still image as still image format and they playback of the visual broadcast program". The examiner respectfully disagrees. Okada discloses a user interface receiving requests from the user and relays the user request to the system controller, which in turn fulfills the user request. See column 16, lines 22-30. Accordingly the user interface is user's interface to operate the DVD recorder of Okada. An exemplary user interface that enables user to operate a DVD recorder is illustrated in figure 7, wherein a plurality manual operation members (play, stop, FF, REW, etc.) are disposed about the front panel of the DVD recorder, and the user would use one of the operation members (e.g. PLAY button) to initiate playback of a particular program. Furthermore, the icons used to denote the plurality of manual operations on the front panel (illustrated in fig. 7) of the DVD

recorder  are notoriously well known in the art to be (from left to right) controls for: record; stop; reverse; play; forward. Accordingly Okada illustrates a record manual operation member that a user can use to initiate a record function.

Applicant continues to argue that Okada does teach using manual operation members to start recording still image as still image program and recording of visual broadcast program. As discussed above, the user interface 1901 is used to initiate

operations for the DVD recorder. Furthermore, Okada discloses that the recording medium *records* multimedia data in a plurality of different formats, including still picture data. See column 1, lines 15-19.

Itoh et al. (US PG Pub. 2001/0016108) is hereby furnished for supporting the Official Notice taken in claims 36 and 44. Itoh discloses the step of generating and storing thumbnail images, wherein the thumbnail generation is a low priority task. When a video capture recording option is initiated, the thumbnail generation is halted in favor of moving picture recording task (a higher priority task).

For the reasons discussed above, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 45, 46, 54 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (US Pat. 6,266,483).

Regarding claims 45-46, Okada discloses a DVD-RAM image recording medium for use in an image recorder for recording television broadcast programs and still pictures from a digital camera (see col 6, lines 43-52).

Okada discloses a first receiver (digital tuner 1905 - see col 16 lines 7 - 16) which receives broadcasted programs via satellite and a second receiver (decoder 1908 - see col 16 lines 7 - 16) which receives images from a still camera (see col 15 lines 32 - 37, see col 6 lines 43 - 52). It is noted that since broadcast programs and still images are recorded on the DVD, necessarily Okada discloses a "storage capable of storing both the data of visual broadcast program and digital image data" and a "recording circuit capable of recording both the data of visual broadcast program and the digital image data into storage"

Okada further discloses a user can request to record a broadcast program from the digital tuner (see col 17 lines 15 - 20). It is noted that based on the user request, system controller 1902 (see fig. 19) controls the recording circuit to record the broadcast programs and the image data (see col. 17 lines 17 - 42).

Okada further discloses the claimed "a manually operable controller that controls the playback both on the basis of the data of visual broadcast program and on the basis of the digital still image data" (see col 17 lines 15 - 20). It is noted that basis is determined by the user, who determines by requesting (through a manual operation) which data to record or playback based on the user's preference.

Okada still further discloses the user interface 1901 accepts commands from a user for transmission to the system controller 1902 for selecting the appropriate modules for playing back the information requested (see col. 18 lines 11 - 21).

Okada also discloses the user manually selects the desired information to be played back, and according, the appropriate decoder is selected for playback (see col. 19

lines 1 - 15). Thus the decoders, the "plurality of operation members", are selected by manual operations, wherein playback of the visual broadcast program are started by an operation of one of the decoders. Okada also discloses that when still pictures are played, the still picture decoder decodes to play the still picture object. Accordingly, the still picture is played back in a still image format. See column 15, lines 32-37. Further illustrated in figure 7 of Okada, on the front panel of the DVD recorder are manual operation controllers for providing user interface to system controller. The playback operation of the DVD recorder for recording and playing back the various types of data are thus started by operation of the same one of plurality of manual operation members.

With regards to claims 54 and 56, Okada illustrates manual operation members arranged at the image recorder (see fig. 7).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47, 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Pat. 6,266,483).

With regards to claim 47, Okada fails to disclose a second receiver with a memory slot into which a removable memory coming from the digital still camera is capable of being inserted.

Official Notice is taken it would have been well known providing a removable memory from camera for insertion into an image recorder would have been well known for processing and displaying an image. For example, in the computer art, it would have been well known to have a PC or laptop with a card insertion slot for inserting a memory card from a camera. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Okada to include the claimed limitation for the benefit of processing and displaying an image on larger screen.

With regards to claims 53 and 55, Okada fails to disclose that the manual operation members are arranged at a remote controller.

Examiner takes official notice that remote controllers with manual operation members for controlling operating a plurality of devices were well known in the art at the time of the invention allowing a user to operate a plurality of devices remotely.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Okada to arrange the manual operation members at a remote controller so that a user can operate the plurality of devices remotely.

6. Claims 36-38 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Pat. 6,266,483) in view of Fumio (JP 10-129082).

Regarding claims 36 and 44, Okada discloses a DVD-RAM image recording medium for use in an image recorder for recording television broadcast programs and still pictures from a digital camera (see col 6, lines 43-52).

Okada discloses a first receiver (digital tuner 1905 - see col 16 lines 7 - 16) which receives broadcasted programs via satellite and a second receiver (decoder 1908 - see col 16 lines 7 - 16) which receives images from a still camera (see col 15 lines 32 - 37, see col 6 lines 43 - 52). It is noted that since broadcast programs and still images are recorded on the DVD, necessarily Okada discloses a "storage capable of storing both the data of visual broadcast program and digital image data" and a "recording circuit capable of recording both the data of visual broadcast program and the digital image data into storage"

Okada further discloses a user can request to record a broadcast program from the digital tuner (see col 17 lines 15 - 20). It is noted that based on the user request, system controller 1902 (see fig. 19) controls the recording circuit to record the broadcast programs and the image data (see col. 17 lines 17 - 42).

Okada only discloses the step of user requesting record of either images from a still camera or broadcast video programs and user requesting a stop record command to halt the recording process for either. Okada fails to disclose interrupting the recording of digital image data when recording instructions of the visual broadcast program are detected during the recording of the digital image data.

Examiner takes official notice that it was well known at the time of the invention to assign priorities for recording select broadcast programs (such as highly preferred programs or programming type) wherein the priority is used to determine the importance of programs for conflict resolution.



Fumio further teaches the step of detecting a higher priority record condition when presently recording a lower priority data, and interrupting the recording of the lower priority data to record the higher priority data and resuming the lower priority recording upon completion of the higher priority recording. See abstract and [0006].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Okada by assigning priorities to select broadcast programs, and interrupting the recordation of still image data in order to record the higher priority broadcast programs, thereby enabling image recorder to record programs that are highly preferred by the viewer.

Claim 37 is met by above.

Claim 38 is met by the step of interrupting the recording of low priority program in favor of the higher priority program and then resuming the interrupted recording once the higher priority recording has completed. See Fumio: [0006].

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Pat. 6,266,483) in view of Fumio (JP 10-129082) as applied to claim 36 above, and further in view of Browne (WO 92/22983).

Regarding claim 39, However, Okada fails to disclose simultaneous recording of image data with data of the visual broadcast program.

In analogous art, Browne teaches a storage 104c provides simultaneous recording of programs from a multiple of sources (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to further modify the system to include the claimed storage medium to enable simultaneous recording of data from a plurality of sources.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Itoh et al. (US PG Pub. 2001/0016108) is hereby furnished for supporting the Official Notice taken in claims 36 and 44. Itoh discloses the step of generating and storing thumbnail images, wherein the thumbnail generation is a low priority task. When a video capture recording option is initiated, the thumbnail generation is halted in favor of moving picture recording task (a higher priority task).
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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